

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SANDRA STEINFELD and :
PAUL STEINFELD, h/w, :
Plaintiffs, : CIVIL ACTION NO. 14-944
v. :
EmPG INTERNATIONAL, LLC, MARIO :
CORDERO, DESTINO TROPICAL :
DT S.A., MARIO CORDERO, :
FERNANDO GUEVARA BEDOYA, :
JOSE ESPINOZA, JOHN DOES (1-10) :
fictitiously named presently unidentified :
individuals, and ABC CORPORATIONS :
(1-10) fictitiously named presently :
unidentified business entities, to be :
more specifically identified once :
revealed in discovery, :
Defendants. :

ORDER

AND NOW, this 19th day of March, 2015, after considering the motion to dismiss the complaint filed by the defendant, EmPG International, LLC (Doc. No. 7), the response to the motion filed by the plaintiffs, Sandra Steinfield and Paul Steinfield (Doc. No. 13), the defendant's reply (Doc. No. 14), and the joint stipulation of facts with respect to jurisdiction (Doc. No. 17); and the court having also considered the plaintiffs' response to the order to show cause (Doc. No. 18); and after hearing oral argument on the motion to dismiss and the order to show cause; and for the reasons set forth in the accompanying memorandum opinion, it is hereby

ORDERED as follows:

1. The motion to dismiss (Doc. No. 7) is **DENIED**;

2. The Clerk of Court is hereby directed to **TRANSFER** this action to the United States District Court for the District of Colorado;

3. The defendants, Fernando Guevara Bedoya, Mario Cordero, Destino Tropical DT S.A., and Jose Espinoza, are **DISMISSED WITHOUT PREJUDICE** under Rule 4(m) of the Federal Rules of Civil Procedure for the plaintiffs' failure to serve these defendants within 120 days of the filing the complaint and the absence of a showing of good cause for this failure to serve; and

4. The Clerk of Court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.